

105TH CONGRESS
1ST SESSION

S. 1354

AN ACT

To amend the Communications Act of 1934 to provide for the designation of common carriers not subject to the jurisdiction of a State commission as eligible telecommunications carriers.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. AMENDMENT OF COMMUNICATIONS ACT OF**
2 **1934.**

3 Section 214(e) of the Communications Act of 1934
4 (47 U.S.C. 214(e)) is amended—

5 (1) by striking “(2) or (3)” in paragraph (1)
6 and inserting “(2), (3), or (6)”;

7 (2) by striking “interstate services,” in para-
8 graph (3) and inserting “interstate services or an
9 area served by a common carrier to which paragraph
10 (6) applies,”;

11 (3) by inserting “(or the Commission in the
12 case of a common carrier designated under para-
13 graph (6))” in paragraph (4) after “State commis-
14 sion” each place such term appears;

15 (4) by inserting “(or the Commission under
16 paragraph (6))” in paragraph (5) after “State com-
17 mission”; and

18 (5) by inserting after paragraph (5) the follow-
19 ing:

20 “(6) COMMON CARRIERS NOT SUBJECT TO
21 STATE COMMISSION JURISDICTION.—In the case of a
22 common carrier providing telephone exchange service
23 and exchange access that is not subject to the juris-
24 diction of a State commission, the Commission shall
25 upon request designate such a common carrier that
26 meets the requirements of paragraph (1) as an eligi-

1 ble telecommunications carrier for a service area
2 designated by the Commission consistent with appli-
3 cable federal and State law. Upon request and con-
4 sistent with the public interest, convenience and ne-
5 cessity, the Commission may, with respect to an area
6 served by a rural telephone company, and shall, in
7 the case of all other areas, designate more than one
8 common carrier as an eligible telecommunications
9 carrier for a service area designated under this para-
10 graph, so long as each additional requesting carrier
11 meets the requirements of paragraph (1). Before
12 designating an additional eligible telecommunications
13 carrier for an area served by a rural telephone com-
14 pany, the Commission shall find that the designation
15 is in the public interest.”.

Passed the Senate November 9, 1997.

Attest:

Secretary.

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